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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,842

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Gordon Bowman

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EXAMINER

SHIH, HAOSHIAN

ART UNIT

PAPER NUMBER

2196

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/678,842

Applicant(s)

BOWMAN ET AL.

Examiner

Haoshian Shih

Art Unit

2196

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/21/06.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/21/06 *Fig 1M*
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-22 are pending in this application and have been examined.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-4, 11-22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-4, and 12-22 of copending Application No. 10/679,181 ('181). Although the conflicting claims are not identical, they are not patentably distinct from each other because there is a correspondence relationship between the two applications.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Independent claim 1 of the instant application includes limitations that are directed to a collection of elements, each with a namespace, attributes, and associated instructions to performing functions to the elements. Claims 1 in '181 include limitations that are similar or obvious from those limitations.

5. Independent claim 11 of the instant application includes limitations that are directed to steps of searching for a designated element and calling a function associated with that element. Claim 16 in '181 include limitations that are similar or obvious from those limitations.

6. Independent claim 22 of the instant application includes limitations that are directed to adding a behavior element as a child of a designate element; receiving an event which is equal to an event attribute setting in the behavior element; and calling a script associated with the behavior element. Claim 25 in '181 include limitations that are similar or obvious from those limitations.

7. Dependent claims 2-4, and 12-21 of the instant application includes limitations that are similar or obvious from claims 2, 5, and 16-25 of '181.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 1 recites the limitation "the document object model" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1-5, 11, 12, 15-17, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Macromedia, Inc., Extending Dreamweaver ("Macromedia", http://download.macromedia.com/pub/dreamweaver/extend/ext_dreamweaver4.zip).**

12. As to claim 1, Macromedia discloses a system for extending interactivity of a presentation markup language (pg. 7, par.1, lines 4-6), the system comprising: collection of designated elements (pg.7, par.1, lines 2-4; pg.13, par.2, lines 2-3), each designated element comprising: a namespace (pg.14, par.3, lines 1-2; pg. 23, par.6, lines 3; pg. 25, par.1, lines 1); and attributes for describing features of the designated element (pg.27, first table; pg. 208, par.1, lines 1; pg.236, par. 1); and a collection of associated instructions for performing functions to elements in the document object

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model (pg.15, first table, method), the instructions associated with the designated elements (pg.15, table of objects and methods; pg.205, par.2, lines 1-3).

13. As to claim 11, Macromedia discloses a method of extending interactivity of a presentation markup language (pg. 7, par.1, lines 4-6), the method comprising the steps of: searching for a designated control element in a document object model (pg.28, par. "traversing nodes" and "getting node data") and calling a function associated with the designated control element (pg.28, par. "traversing nodes" and "getting node data").

14. As to claim 22, Macromedia discloses a method of extending interactivity of a presentation markup language by controlling user interface features of a web application (pg.9, par.2, lines 1-2), the method comprising the steps of: adding a behavior element as a child of a designated element (pg.216, "dom.addBehavior()"); receiving an event which is equal to an event attribute setting in the behavior element (pg.217, "dom.getBehavior()", where onClick attribute is equal an event to opening a script event this event is received); and calling a script associated with the behavior element (pg.223, fig1; Events: onClick, Actions: Call JavaScript; Events: onMouseOver, Actions: Custom Script: alert('hi')).

15. As to claim 2, Macromedia discloses an initialization function for directing the processing one or more designated elements in the document object model (pg.25, "Instantiating a tree control"), having instructions for traversing each node in the

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document object model (pg.28, par.6) and for searching and calling functions associated with designated elements having names following a predetermined naming convention (pg.28, last par.; pg.25, prefix, lines 1; namespace can be emulated to some extent by using a naming convention).

16. As to claim 3, Macromedia discloses the designated element is associated with an extensible markup language element (pg.253, last par.).

17. As to claim 4, Macromedia discloses a collection of designated attributes applied to one or more of the document object model elements for applying passive behavior to objects in the web application (pg.14, fig.1; pg.328, par.1); and a collection of associated instructions for performing functions associated with the designated attributes (pg.329, par.1).

18. As to claim 5, Macromedia discloses a 'selectionGroup' attribute for specifying an 'id' attribute of a <selection> element that this element is associated with (pg.15, table 1, alltags/elements).

19. As to claim 12, Macromedia discloses traversing each node in the document object model (pg.28, par.8); and determining whether an element has a name which follows a designated naming convention (pg.28, par.8; node.name).

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20. As to claim 15, Macromedia discloses determining which script in a collection of scripts is associated with the designated element; and calling the script (pg.28, par. "traversing nodes" and "getting node data").

21. As to claim 16, Macromedia discloses calling a script associated with the designated attribute (pg.28, last par.).

22. As to claim 17, Macromedia discloses searching attributes of an element in a document object model; determining whether an element attribute has a name which follows a designated naming convention (pg.19; "getElementByTagName (tagName)". Obtaining attributes from tags, the tags will also act as a prefix for elements, which belong to a certain attribute(s)).

23. As to claim 21, Macromedia discloses determining which script in a collection of scripts is associated with the designated attribute; and calling the script (pg.28, last par.).

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scalable vector graphics 1.1 specification ("SVG", <http://www.w3.org/TR/2002/PR-SVG11-20021115/PR-SVG11-20021115.pdf>) in view of Cain et al. ("Cain", US 6,014,138).

26. As to claim 10, SVG discloses a method of extending interactivity of presentation markup languages (sec.1.1 about SVG), the method comprising one or more of the following: manipulating viewer behavior with respect to a web application (sec.17.6, view module; sec.16.7 Magnification and panning, zoomAndPan), the method comprising the steps of: searching for a viewer behavior element in a document object model of the web application(5.17 DOM interfaces, Interface SVGSVGElement, 'getElementById'; 17.6 view module; using the getElementById function to search for a viewer behavior element 'view'); SVG does not specifically disclose generating a function name associated with the viewer behavior element; and calling the generated function name.

In the same field of endeavor, Cain discloses generating a function name comprising of the name of the designated element (col.12, lines 12-13); and calling the generated function name (fig.4H-I).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of SVG and the teachings of Cain for the benefit of creating an object-based, interactive, visual-programming system accessible via a graphical user interface (Cain, col.3, lines 23-25) in an integrated vector web design application.

27. Claims 13, 14, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macromedia in view of Cain.

28. As to claim 13, Macromedia does not specifically disclose dynamically generating a function name associated with the designated element; passing an object associated with the designated element as a parameter of the generated function; retrieving the attributes of the object; and performing a function stored in memory having the generated function name.

In the same field of endeavor, Cain discloses dynamically generating a function name associated with the designated element (col.12, line 12-13); passing an object associated with the designated element as a parameter of the generated function (fig.4H); retrieving the attributes of the object; and performing a function stored in memory having the generated function name (fig.4H-I).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Macromedia and the teachings of Cain for the benefit of creating a custom graphical operator interface.

29. As to claim 14, Macromedia discloses determining if the name of the designated element contains a designated prefix (pg25, par.1); Macromedia does not specifically disclose generating a function name comprising of the name of the designated element; assigning an object associated with the designated element as the parameter of the function; and assigning predetermined instructions of the designated element as steps for the function to perform.

In the same field of endeavor, Cain discloses generating a function name comprising of the name of the designated element (col.12, lines 12-13); assigning an object associated with the designated element as the parameter of the function (fig.4H); and assigning predetermined instructions of the designated element as steps for the function to perform (fig.4H-I).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Macromedia and the teachings of Cain for the benefit of creating a custom graphical operator interface.

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30. As to claim 18, Macromedia discloses determining if the name of the designated attribute contains a designated prefix (pg.19, "getElementsByTagName(tagName)"); Macromedia does not specifically disclose generating a function name comprising of the name of the designated attribute; assigning an object associated with the designated attribute as the parameter of the function name ; and assigning predetermined instructions of the designated attribute as steps for a function having the function name to perform.

In the same field of endeavor, Cain discloses generating a function name comprising of the name of the designated attribute (col.12, lines 12-13; "click"); assigning an object associated with the designated attribute as the parameter of the function name (fig.4H); and assigning predetermined instructions of the designated attribute as steps for a function having the function name to perform(fig.4H-I).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Macromedia and the teachings of Cain for the benefit of creating a custom graphical operator interface.

31. As to claim 19, Macromedia does not discloses dynamically generating a function name associated with the designated attribute; passing an object associated with the designated attribute as a parameter of the generated function name; receiving the

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attributes of the object; and performing a function stored in memory having the generated function name.

In the same field of endeavor, Cain discloses dynamically generating a function name associated with the designated attribute (col.12, lines 12-13); passing an object associated with the designated attribute as a parameter of the generated function name (fig.4H); receiving the attributes of the object (col.12, lines 29-31); and performing a function stored in memory having the generated function name (fig.4H-I).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Macromedia and the teachings of Cain for the benefit of creating a custom graphical operator interface.

32. As to claim 20, Macromedia discloses determining if the name of the designated attribute contains a designated prefix (pg.25, par.1). Macromedia does not specifically disclose generating a function name comprising of the name of the designated attribute; assigning an object associated with the designated attribute as the parameter of the function; and assigning predetermined instructions of the designated attribute as steps for the function to perform.

In the same field of endeavor, Cain discloses disclose generating a function name comprising of the name of the designated attribute (col.12, lines 12-13); assigning an

object associated with the designated attribute as the parameter of the function (fig.4H); and assigning predetermined instructions of the designated attribute as steps for the function to perform (fig.4H-I).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Macromedia and the teachings of Cain for the benefit of creating a custom graphical operator interface.

33. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macromedia in view of SVG.

34. As to claims 6-9, Macromedia does not specifically disclose behavior elements for manipulating view behavior with respect to the web application.

In the same field of endeavor, SVG discloses behavior elements for manipulating view behavior with respect to web application (sec.17.6 view module; sec.16.7 Magnification and panning, zoomAndPan).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Macromedia and the teachings of SVG for the benefit of creating a custom graphical operator interface.

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Conclusion

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haoshian Shih whose telephone number is (571) 270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571)272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS


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SUPERVISORY PATENT EXAMINER